



PRIMARY LAW SAID TO BE IN TANGLE

Rehearing of Coon-Hay Contest Demanded.

PETITION FOR INTERPRETATION

States No Authority Is Given for Future Guidance.

INCUMBENT NOT QUESTION

Whether Coon or Hay Is Lieutenant-Governor Does Not Matter, Says Petition, but Status of Measure Is Main Point.

SEATTLE, Wash., Feb. 24.—(Special.)—A petition for a rehearing of the Coon-Hay contest for the Lieutenant-Governorship was filed by Governor Coon's attorneys. The petition of course, does not agree with the findings of the court, which held for Hay, but makes its principal argument for a rehearing outside of this. Whether M. E. Hay or C. E. Coon is Lieutenant-Governor, argues the petition, is not the primary point at issue. The law should be determined, and determined correctly, and that is something that the decision of the Supreme Court on February 6 does not do.

The opinions rendered by the various Justices, it is argued, are hopelessly at variance, and their nature is such that no authority is laid down for future guidance. To quote the language of the petition.

Opinions Tangle Law.

"While formerly persons reading the direct primary act might suppose themselves able to ascertain its meaning, these opinions leave the law in such shape that no person can now determine it."

Some of the Justices held that the statute is cloudy and for that reason they refused to find against Governor Hay, as the penalty for possible violation of the law, the loss of office, would be too severe.

It is the province and express duty of the court, argues the petition, to make clear that which is cloudy; to render certain that which is uncertain, and to attach to the violation of the act the penalty prescribed by the Legislature. If all statutes were clear, so that no one would have any difficulty in ascertaining their meaning, there would be no necessity for courts to interpret them.

Constitutionality Unsettled.

The constitutionality of the law, which was touched upon to any extent but by one of the Justices, is not settled, the petition holds, and the principal point considered by the court, that of the construction of the statute, was barely referred to in both oral arguments and briefs.

The severity of the penalty, which is made a strong point against deciding against Hay by several of the Justices, the petition declares is a question for the Legislature, and not for the court to consider. The petition recites that the intent of the Legislature was to prevent a rich candidate from gaining a large advantage over a poor man by subsidizing the press of the state. There is no difference in principle, it declares, between Governor Hay's action in paying a few dollars to have his photograph printed and the action of a candidate who should spend a fortune to buy up the entire press of the state. The intent of the law was to place the poor man and the rich man on an equal footing when running for office.

Say Ignorance Does Not Excuse.

The petition makes a strong point against the argument of some of the Justices that Governor Hay should not be deprived of his office because he acted in good faith and thought he was within the law, basing his belief on an ex parte decision of the Attorney-General some months previous.

"We know of no rule," says the petition, "either of law or morals, that will enable one to see how close he can come to a violation of the statute and then escape if he chance to miscalculate the matter and expose himself to its penalties. We submit that the true rule is that ignorance of the law does not excuse."

The petition comments on the opinion of certain of the Justices who declare the penalty in the case too severe by saying: "We have been unable to find any authority for the proposition that the severity of the penalty is a bar to the construction of the statute."

In conclusion the petition says: "No rules have been announced by a majority of this court whereby a candidate may know what is permitted and what is forbidden by this act. We believe that it would be very unfortunate if candidates should conclude that the practices indulged in by the respondent are legal. We believe that it would inevitably lead to the holding of state offices chiefly by those who are willing to buy them."

Mine-Planters Reach Callao.

CALLAO, Feb. 24.—The United States mine-planters Ringgold and Armistead, which are proceeding from New York to San Francisco, have arrived at Callao.

MARGARET TEAL IS HELD PRISONER

HELD FOR TRYING TO GET PERJURED EVIDENCE.

Former Portland Woman Goes to Tombs, All Concerned Giving Adverse Testimony.

NEW YORK, Feb. 24.—Mrs. Margaret Teal, formerly of Portland, Or., charged with attempted subornation of perjury in the Frank J. Gould divorce suit, was committed to the Tombs prison today by Judge Foster. She has heretofore been out under \$5000 bail.

The witnesses included Mrs. Julia Fleming McCabe, who was indicted with Mrs. Teal and Detective Mousley, Blanche Hale, a manicurist, who said she was asked by Mrs. McCabe to sign a false affidavit in the case, and Mrs. Margaret Falk, a dressmaker, who testified that she was approached with a similar proposition.

Efforts were made by counsel for the defendant to show that Mabel McCausland, the complaining witness, while pretending friendship for Mrs. Teal, had tried to entrap her. Miss McCausland denied such imputation.

Mrs. McCabe, who as Julia Fleming was indicted along with Mrs. Teal and Detective Mousley, testified that Mrs. Teal endeavored to get her, Mabel McCausland, and Mrs. Hale to draw up and sign false affidavits to be used against Mr. Gould.

ST. PAUL, Feb. 24.—Mrs. Teal, when she lived in St. Paul about three years ago, was Mrs. Toomey, wife of W. J. Toomey, then private secretary to J. J. Hill. Mr. Toomey obtained a divorce and then left the employ of Mr. Hill. Mrs. Toomey later brought a breach of promise suit against a prominent St. Paul physician.

SUFFRAGISTS FIELD DAY

They and Opponents Swarm Capitol at Albany.

ALBANY, N. Y., Feb. 24.—Hosts of suffragists and anti-suffragists crowded the great Assembly chamber in the Capitol today, and for more than four hours their chosen speakers argued before the members of the judiciary committee of the Senate and the Assembly on a concurrent resolution, proposing an amendment to the constitution striking the word "male" from the suffrage clause.

The suffragists were more outspoken in their arguments than those opposed to the ballot for women, but the anti-suffragists argued at length in support of their contention that their opposition was due to a "patriotism" that would seek to make the ballot a high mark of civic worth and honor.

Senator-elect Ellis Root, who was one of the vice-presidents of the state association opposed to woman suffrage, stood for a time listening to the arguments of the anti-suffragists.

Assemblyman Toomey, who introduced the bill, declared that when a man of the judicial mind of W. H. Taft had come out for woman suffrage there ought to be some argument in favor of reporting the measure.

"Will the gentleman please say when Mr. Taft said that" asked a member of the opposition, who denied that Mr. Taft had expressed such views.

IMPRISONED MEN RELEASED

Nine Taken From Cave-in Alive and One Body Found.

SEATTLE, Wash., Feb. 24.—The nine men imprisoned in a sewer tunnel cave-in on the Alaska-Yukon-Pacific Exposition grounds from 9:30 o'clock yesterday morning, were liberated at 6:30 this morning, and the body of one dead man was recovered. At least one more corpse is known to be still buried in the shaft.

Those released are: John D. Harrington, miner; Dan Horan, miner; W. Gregory, concrete worker; John Mahoney, concrete worker; Thomas McNamara, miner; Martin Vissers, concrete worker; Dan McInnis, carpenter; J. Quillen, concrete worker.

The dead are: Duncan Robertson, August Stangel.

Missing: F. W. Jones, may be in debris.

The liberated men showed clearly the great strain to which they had been subjected, and as they crawled and were half dragged from the shaft, the scene was dramatic. The rescued and rescuers crowded about each other to grasp hands while tears coursed down the cheeks of the men.

REFORM 'STREETCAR HOGS'

Massachusetts Woman Would Teach Them Modern Ethics.

CHICAGO, Feb. 24.—A course in ethics for the streetcar "hog" was recommended at the annual meeting of the department of superintendence of the National Educational Association by Miss Ella Lyman Cabot, of the Massachusetts Board of Education today. The next annual meeting of the department will be held in Indianapolis.

PUSH BARROW ACROSS EAST

John Schumann, Pedestrian, to Attempt Novel Feat.

CHICAGO, Feb. 24.—John Schumann arrived in Chicago tonight after a remarkable walk from New York. He covered 1200 miles in 315 walking hours. He left New York January 13. He said that on March 4 he would start from Chicago to push a wheelbarrow to New York.

ASQUITH HARRIED BY ANGRY WOMEN

Suffragettes Send Delegations to Him.

NOT DAUNTED BY ARRESTS

Led by Women High in Aristocracy and Politics.

BLUE BLOODED PRISONERS

Series of Delegations March to Present Demands to Premier and Others Pledge Life and Liberty to Secure Votes.

LONDON, Feb. 24.—Every effort of the suffragettes to force the hand of the government becomes more determined, and it is increasingly difficult to predict how their demands may be successfully parried. The situation has taken on an embarrassing aspect for the government owing to the high social position of many among the 39 or more women arrested the evening. These include Mrs. Pethick Lawrence, Lady Constance Lytton, daughter of the ex-Viceroy of India; Miss Stratford Dugdale, daughter of Com. Vandergrift; Miss Daisy Solomon, daughter of the ex-Premier of Cape Colony, and Mrs. Catherine Elizabeth Corbett, an aristocratic supporter of the suffrage movement.

Women on Danger Duty.

Both sides were well prepared for tonight's attempt on the part of the suffragettes to force themselves on Premier Asquith, who yesterday had declined by letter to receive a deputation. The women held "Parliament" at Caxton Hall and a number of them started on "danger duty" in a solid phalanx, led by Mrs. Lawrence.

The police, abandoning former tactics of barring the approach to the House of Commons, adopted the new plan of breaking up the procession close to Caxton Hall. They permitted the suffragettes to proceed by couples. The women were thus not given much chance to create a disturbance. The police kept them continually on the move and none were allowed to enter Parliament building. Finally several, including Mrs. Lawrence, were arrested.

March on Asquith's Club.

Much excitement ensued and Mrs. Solomon volunteered to lead a second delegation to the House. This led to more exciting street scenes and more arrests. A third attempt was organized at the hall, but this time the destination of the deputation was Brooke's Club, where the Premier was dining.

Near St. James' Palace a large body of police descended upon the procession, which was compelled to break ranks, and several more arrests were made. Only two or three of the women

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CRAWFISH KEEP CASTAWAYS ALIVE

FIVE FISHERMEN HAVE NO OTHER FOOD FOR MONTH.

Abandoned During Storms on Santa Cruz Island, They Are Hermits for 28 Days.

SAN PEDRO, Cal., Feb. 24.—Captain Swanson, in the launch Leone, arrived here this morning from Santa Cruz Island, where he found four marooned fishermen who have been living on crawfish and such other fish as they were able to catch for nearly five weeks. The men, Charles Erickson, Jack Anderson, French Joe and Russian Pete, crawfishers, state they were fishing for Choixee Vasques of Santa Barbara, but had been abandoned because of rough weather. When their stock of provisions gave out they were forced to subsist on crawfish, with no bread, coffee or fresh meat, for 28 days.

They suffered from cold and general discomfort during the storm period which lasted from the middle of January until they were taken on board the Leone on Monday night.

HOMES FOR CONSUMPTIVES

Mrs. Vanderbilt Donates \$1,000,000 for Model Tenements.

NEW YORK, Feb. 24.—It was announced today that Mrs. William K. Vanderbilt, Sr., has given more than \$1,000,000 for the erection of four modern tenements for persons suffering with tuberculosis. The buildings are to be operated in connection with Dr. Henry L. Sibley's Tubercular Clinic of the Presbyterian Hospital. A moderate rental will be charged.

The buildings will be erected on a large tract close to the East River, and each will contain about 575 apartments, of from two to five rooms and bath.

FIVE DAYS FOR 72 MILES

Colorado Railroads Reopened After Heavy Snow Blockade.

PUEBLO, Colo., Feb. 24.—After being blockaded by heavy snows for two weeks, Marshall Pass was opened for traffic today. Denver & Rio Grande train No. 35 arrived here after making the 72 miles from Gunnison in five days. Another train arrived today, having traveled 13 miles in 13 hours. Trappers say the snow is from five to 20 feet deep.

Friday General Manager Ridgeway walked two miles on snowshoes to take provisions to passengers who were almost without food.

PHYSICIAN SUES EX-QUEEN

Hawaii's Former Ruler Asked for \$11,600 by Dr. English.

WASHINGTON, Feb. 24.—Ex-Queen Liliuokalani, of Hawaii, who was Mrs. Lydia Dominik, was sued today in the District Supreme Court by Dr. Charles H. English to recover \$11,600 alleged to be due for breach of contract in the payment of a medical bill. The plaintiff declares he accompanied the ex-queen to Hawaii as private physician under contract to receive \$50 a month, his expenses and a bonus, and that the defendant broke the contract.

COLONEL CHARGED WITH EMBEZZLING

Reflections Cast Upon Cooper's Honor.

SURPRISE IN CARMACK CASE

State Declares Defendant Is Defaulter of \$100,000.

LAWYERS FIGHT EVIDENCE

Prosecution Forces Admission From Defense That Editorials Were Not Cause of Late Senator's Murder.

NASHVILLE, Tenn., Feb. 24.—The state sprang a sensation in the Carmack murder trial, shortly after Colonel Duncan B. Cooper had finished his testimony of the killing of Senator Carmack, by asking him if he had not confessed judgment in 1883 to appropriating to his own use \$261 when he was Master of Chancery of Maury County. Before the defendant could answer, his attorneys made objection to the introduction of such relevant testimony; whereupon the state replied that it proposed to show Cooper had embezzled over \$100,000; and that his much vaunted honor had not been at all affected by these charges. For two hours the attorneys argued with the judge over the admission of this evidence, and the court eventually decided that the matter could be brought in.

When court opened today the same morbid crowd was on hand to hear the testimony. General Washington, for the state, took up his cross-examination where he left off yesterday at the adjournment, and had Colonel Cooper tell of his meeting with Senator Carmack on the day of the shooting. He said that as they approached the place of meeting his son and Sharpe were in front of him as they walked along.

"Robin turned and urged me to hurry. I told him to wait a minute. He and Sharpe stopped and I caught up. Then he grabbed me and said: 'Let's hurry, papa.' The nervous grasp of his arm aroused my suspicion, and intuitively I turned and saw Senator Carmack. Instantly I decided to go over and have a plain talk with Carmack, to see if this affair which was worrying my friends, my children and myself, could not be settled.

Did Not Expect Meeting.

"When you started out, did you propose to meet him?"

"No, sir. The impulse came over me at once when I saw him to go over and talk to him."

"Now, tell what happened."

"Well, I saw Senator Carmack coming up. First I thought I would wait for him. Then I thought that might carry some significance, so I walked toward him. I saw him speak to Mrs. Eastman.

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FULTON MAY GET PLACE ON BENCH

IF NEW FEDERAL JUDGESHIP CREATED IN OREGON.

Senate Favors Him, Taft His Friend, but House May Kill Bill—Another Possible Job.

OREGONIAN NEWS BUREAU, Washington, Feb. 24.—It is reported in Senatorial circles today that if Congress passes the pending bill creating an additional judge in Oregon, Senator Fulton will be given that appointment. Many influential Senators who admire Fulton are concerned over the adverse attitude of the House judiciary committee, which threatens to kill the Oregon amendment to the Washington bill, and in the next few days considerable pressure will be brought to bear to induce the House to accept the Senate amendment.

If the amendment is accepted, in view of Fulton's close relations with President Taft, there is no doubt he can have the judgeship if he will accept it.

If the judgeship bill falls, but the Senate passes the bill authorizing the appointment of two additional Interstate Commerce Commissioners, it is indicated that Fulton can have one of these positions, the other to go to Representative Hepburn.

The House committee would not report a separate bill giving Oregon a second judge or an additional judicial district, contending that there is not sufficient business in Oregon to justify it. Fulton has been in conference today with Representatives Ellis and Hawley, and it has been agreed to use every expedient to induce the House to accept the Fulton amendment. The Washington delegation is willing to support the Fulton amendment if it would not kill their own judge, but they do not want the amendment to defeat the Washington measure.

FIND HUGE FOSSIL PEARL

Geologist Near Goldfield Digs Up Prehistoric Oysters.

RENO, Nev., Feb. 24.—The following story comes from Goldfield: A discovery, which, for its unique character has seldom been equaled in this state, has just been disclosed through the presence in Goldfield of Dr. Samuel E. Green, a geologist and mineral expert, of England. Dr. Green, who is mineralogist for several of the biggest concerns in the East, was exploring the formation of the Indian Springs oil fields when he encountered a highly fossilized strata which contained fossils of prehistoric animals and reptiles. He broke open a number of ancient oyster shells and in one of them discovered a perfect pearl, pure white and weighing nearly 350 karats. Dr. Green has refused a sum for the pearl which would buy a hundred "water jewels" of ordinary size.

PRIEST'S WIFE VANISHES

Ogden Girl Says She Married Through Fear.

DENVER, Feb. 24.—Mrs. Susan Moran Ryan, the Ogden girl whose marriage to Father James Ambrose Ryan, a Catholic priest, was discovered two days ago, left Denver tonight with her husband for the West.

At the time of the discovery of the marriage Mrs. Ryan claimed that she had been forced into the ceremony through fear, and announced her intention of procuring a divorce at once.

Father Ryan has been successfully sequestered since the discovery of the marriage, although sought by the police at the instigation of Father O'Ryan of St. Leo's Church, who wanted an examination made as to Ryan's sanity.

CHANGE CUBAN MINISTER

Quesada Said to Be Booked for European Post.

WASHINGTON, Feb. 25.—Don Gonzalo de Quesada, Cuban Minister to the United States, left Washington late last night for Havana, for a conference with President Gomez of Cuba, it is reported. It is believed there that Mr. Quesada will be transferred to a European post, probably Madrid. It is said that he will be succeeded here by Carlos Garcia Velez, a son of General Calixto Garcia, one of the Cuban revolutionary Generals and an ex-Minister to Mexico.

BALDWIN SUFFERS RELAPSE

California Turfman Reported to Be Sinking Very Rapidly.

LOS ANGELES, Feb. 24.—The condition of E. J. ("Lucky") Baldwin tonight is said to be very serious, following a relapse today. Dr. Truweather and members of Mr. Baldwin's family are with him. All communication with the Santa Anita ranch house, where he is, has been cut off, and it is impossible to get definite information as to his condition.

TRAIN FALLS OVER CLIFF

Disaster in Ecuador Kills 25 and Injures 40 Persons.

GUAYAQUIL, Ecuador, Feb. 24.—A passenger train on the main line, bound north, was today thrown over a cliff 100 feet high at a point near Rio Bamba and crashed to the bottom of the ravine. Twenty-five persons were killed and 40 injured.

PORTLAND-PANAMA STEAMER SERVICE

Bill Before Congress for Ten Ships.

PLAN THROUGH ROUTE EAST

Line to Operate With Government Atlantic Vessels.

GOOD PROFIT IS CERTAIN

Congressman McLachlan Plans Service From Panama to Puget Sound Ports, Calling at Portland and Southern Cities.

WASHINGTON, Feb. 24.—Congressman McLachlan, of California, introduced a bill in the House today providing for a line of Government steamships on the Pacific between Panama and Puget Sound, with ports of call at Portland, San Francisco and Los Angeles. The line is designed to operate in conjunction with the Government line on the Atlantic between New York and the Isthmus, and with the Government-owned trans-Isthmian Railroad.

The bill provides: "That the Panama Railway Company be and is hereby directed to establish and operate a line of steamers for the transportation of passengers and freight along the Pacific Coast of the United States in connection with the line of steamers along the Atlantic Coast and the Panama Railroad, now operated by said company, and to make regular calls at all the principal Pacific Coast ports of the United States, including Seattle, Tacoma, San Francisco, San Pedro and San Diego, from and to the western terminus of said railroad.

"That the said railroad company be and it is hereby directed to charter, purchase or cause to be constructed, ten steamers suitable for the purpose of said line, with a capacity of at least 500 tons, and an actual speed of at least 12 knots.

"That the sum of \$10,000,000, or so much thereof as may be necessary, and the same is hereby authorized to be expended out of the Treasury of the United States for the purpose of this act.

"That the sum so expended, or so much thereof as possible be returned to the Treasury of the United States from the net earnings of the said Panama Railroad Company."

Mr. McLachlan said that his bill would make the Panama Railroad Company maintain a regular service between Puget Sound and Panama every five days, which would supply the eastbound passengers and freight for its Atlantic steamer line.

"It will carry thousands of tons of commissaries and building material produced on the Pacific Coast," said Mr. McLachlan, "direct to Panama to (Concluded on Page 3.)

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